

**Lincoln, Nebraska
December 18, 2009**

**COMMUNITY CORRECTIONS COUNCIL
*MEETING MINUTES***

The Community Corrections Council (Council) met Friday, December 18, 2009, at Bryan LGH College of Health Sciences, Room 203, Lincoln, Nebraska. The meeting was open to the public and was preceded by advance publicized notice in the Lincoln Journal Star.

Members present:

Scot Adams, Chair
Mike Behm
Esther Casmer
Ellen Fabian Brokofsky
Darrell Fisher
Karen Flowers
Cathy Gibson-Beltz
Robert Houston
John P. Icenogle, Vice-Chair
Joe Kelly
Robert Lindemeier
Dallas Massey
Travis Parker

Others present:

Jacki Allensworth
Eric Asboe
Scott Carlson
Joan Dietrich
Mike Dunkle
Steve King
John Krejci
Mike Myers
Mike Overton
Lamont Rainey
Steve Rowoldt
Marge Schlitt
Larry Wayne
Dave Wegner

Members absent:

Brenda Council
Jeff Davis
Eleanor Devlin
Thomas Dorwart
Frank Peak
Pete Pirsch
Janice Walker

Council Staff present:

Linda Krutz, Executive Director
Jeff Beaty, Policy Analyst
Tia Bachman, Admin. Assistant

CALL TO ORDER, WELCOME, & OVERVIEW

Scot Adams, Chair, Director of the Division of Behavioral Health, Department of Health and Human Services (DHHS), called the Council meeting to order at 9:07 a.m., announced the meeting is subject to the Open Meetings Act and gave an overview of the meeting. Attendance is indicated above.

Adams welcomed new members Dallas Massey, Travis Parker, and Frank Peak. Peak was unable to be in attendance.

APPROVAL OF MINUTES

The September 18, 2009 meeting minutes were approved as presented.

EVALUATION AND RESEARCH STEERING COMMITTEE

Mike Dunkle, Nebraska Commission on Law Enforcement and Criminal Justice (NCC), presented the charge statement for the Evaluation and Research Steering Committee (Steering Committee). The charge statement was approved as presented.

Dunkle then presented the suggested membership for the committee. Council members agreed the Steering Committee should have latitude in choosing further members. Mike Meyers, Douglas County and Jim Harvey or Rachel West, DHHS were recommended as possible members.

STRATEGIC PLANNING RECOMMENDATION

Jeff Beaty, Policy Analyst, Council, presented an integrated work plan that combined the recommendations from the Report on Community Corrections Council Strategic Planning Retreat on February 6-8, 2008, the Joint Strategic Planning Recommendations for Criminal Justice Reform in Nebraska, and the Policy Framework to Strengthen Community Corrections.

Council gave general consensus on the main headings for each category. Karen Flowers, District Court Judge, requested an additional column titled "Progress" be added to the spreadsheet and that the document and progress be reported on at every meeting.

Council members agreed to create a Community Corrections Planning Group. Cathy Gibson-Beltz, Deb Minardi, Karen Flowers, and Travis Parker volunteered to assist Linda Krutz, Executive Director of the Council, and Beaty in synthesizing and prioritizing the work plan. A revised version will be presented at the February 12, 2010 Council meeting.

SENTENCING AND RECIDIVISM TASK FORCE

LaMont Rainey, Judiciary Committee legal counsel, gave an update on the Sentencing and Recidivism Task Force and presented draft legislation for the Council to review. The task force has completed its initial hearings and is currently in the process of identifying legislative changes which could be adopted this year while continuing to research and gather information

for the final report due January 2011. The draft legislation directs the Council to develop a plan which identifies and prioritizes sites for new reporting centers in judicial districts without a RC and to also prioritize the need for expansion of existing reporting centers.

Bob Houston, Director of the Department of Correctional Services (DCS), proposed allowing inmates on furlough use of the RCs, which could increase their potential for parole. Houston also suggested adding a RC in the existing Work Ethic Camp (WEC) in McCook. Bob Lindemeier, Criminal Defense Attorney, said that having a RC in each judicial district is not enough and noted the distance between Lexington and North Platte. Both towns are in the same judicial district but are approximately 65 miles apart.

Beaty presented a list of possible legislative initiatives for 2010. The Community Corrections Planning Group will review the presented draft legislation and possible legislative initiatives for 2010, prioritize the changes that are practice versus policy, and communicate those priorities to Rainey prior to the hearing date.

A 15 minute break was called by Adams.
The Council reconvened at 11:08 a.m.

COMMUNITY CORRECTIONS COUNCIL FINANCIAL REPORT

Bruce Ayers, Chief Financial Officer, NCC, presented the Community Corrections Council Financial Report. Council General Funds Treatment Funds were reduced by \$47,864; Day/Evening Reporting Centers reduced by \$34,941; Specialized Courts reduced by \$54,844. The Council Uniform Data Analysis Cash Fund carryover was also reduced by \$223,960 and the new appropriation was reduced by \$12,914.

Unexpended General Fund appropriations as of June 30, 2009 totaled \$544,744.70 which was reappropriated to fiscal year (FY) 09-10. During the legislative special session, a reduction of \$273,847.00 was made to those carryover funds leaving a revised total of \$270,897.70.

PROBATION ADMINISTRATION AND PROBLEM SOLVING COURTS CARRY OVER FUNDS

Ellen Fabian Brokofsky, Probation Administrator, presented a General Fund carryover proposal to replace the proposal approved at the September 18, 2009 Council meeting.

A motion was made by Cathy Gibson-Beltz and seconded by Robert Houston to rescind the motion on September 18, 2009 that approved \$175,848.94 for probation to contract services of drug technicians. The motion passed unanimously by acclamation.

Adams presented a letter from Janice Walker, State Court Administrator, which expressed the Courts intent to advise the Council in advance if the Probation Program Cash Fund will be used to offset general fund reductions.

Esther Casmer exited the meeting at 11:30 a.m.

A motion was made by Ellen Fabian Brokofsky and seconded by Robert Houston to approve \$270,898 of carry over funds in the following manner:

<i>Restore Specialized Courts pass-through amount to original appropriation</i>	<i>\$54,844</i>
<i>Restore Reporting Center amount to original appropriation</i>	<i>\$34,971</i>
<i>Restore Treatment amount to original appropriation</i>	<i><u>\$47,864</u></i>
	<i>\$137,679</i>
<i>Drug Tech contracts with first priority to Gage and Sarpy counties</i>	<i>\$63,219</i>
<i>Training for Specialized Court Practitioners</i>	<i><u>\$70,000</u></i>
	<i>\$133,219</i>

Roll call was conducted and the motion passed unanimously.

Deb Minardi, Deputy Probation Administrator, Community Based Supervision, Programming and Services, presented a proposal to allocate \$500,000 from the 2009 cash fund carry over appropriation that will be used to further support the use of Continuous Alcohol Monitoring (CAM).

Flowers questioned the cost of CAM per offender in comparison to alternate means of alcohol testing.

A motion was made by Michael Behm and seconded by Cathy Gibson-Beltz to authorize the allocation of \$500,000 from the 2009 Probation Program Cash Fund carryover to further support the use of Continuous Alcohol Monitoring. Roll call was conducted and the motion passed unanimously.

PAROLE INFORMATION MANAGEMENT SYSTEM (PIMS)

Cathy Gibson-Beltz, Parole Administrator, presented an update on the Parole Information Management System (PIMS) project completion. The original authorization of funding in 2007 totaled \$239,878.50. On November 23, 2009, Parole Administration was notified that the Office of the Chief Information Officer (OCIO) had billed \$270,235.09 for the project, leaving the project unfinished and unfunded by \$30,356.59.

The Parole Cash Fund, after the budget reduction and the amount promised to the Office of the Supreme Court to pay for Specialized Substance Abuse Supervision (SSAS) services, totals \$37,920. Parole requests using the balance of the Parole Cash Fund to pay for the unfunded amount of work completed.

A motion was made by Travis Parker and seconded by Bob Lindemeier to authorize Parole Administration to use up to \$37,920 of the Parole Cash Fund to pay for the unfunded amount of work completed on the Parole Information Management System project. Roll call was conducted and the motion passed unanimously.

A lunch break was called by Adams.

Ellen Fabian Brokofsky and Bob Houston exited the meeting at 12:30 p.m.

The Council reconvened at 12:49 p.m.

SENTENCED ADMISSIONS – PAROLE VIOLATION AND PROBATION VIOLATION

Beaty presented a review of probation and parole technical violations. Probation revocations peaked in FY 2005, have steadily decreased, and are split almost evenly between technical and new law violations. Parole revocations differed with law violations representing only 17 percent of the 298 parole revocations in 2009. The most common offenses were possession of a controlled substance, 2nd degree forgery and shoplifting.

Adams noted that LB46, which allowed for administrative sanctions, was coming into effect at the time the revocations peaked in FY 2005.

PROBLEM SOLVING COURT EVALUATION

Scott Carlson, Statewide Coordinator for Problem-Solving Courts, Nebraska Supreme Court, said a partnership was formed with the University of Nebraska Public Policy Center to act as the evaluator for the statewide evaluation of Drug Courts. The Bureau of Justice Assistance awarded an \$186,650 grant for the period of September 1, 2009 through August 31, 2011. The evaluation will cover demographics, process, outcomes, and impact.

Dunkle said the statewide evaluation of Drug Courts will be the first to be evaluated by the Steering Committee.

TARGET POPULATION REPORT & COMMUNITY CORRECTIONS PROGRAMS REPORT

Dunkle presented the *Target Population Report, October 2009*. Total DCS, Parole, and Probation admissions as well as Felony Drug Offenders (FDO) admissions to DCS, Parole, and Probation are down compared to admissions at this time in 2008.

Dunkle then presented the *Community Corrections Programs Reports, October 2009*. SSAS is operating at 110 percent capacity and has increased by 32 percent since 2008. Steve Rowoldt, Chief Probation Officer, noted that in the areas that are above capacity, high risk case management officers are assisting with the overflow of offenders. Gibson-Beltz said Parole Officers are also assisting by teaching the Thinking 4 Change (T4C) classes.

Dunkle said a change was made to the Problem Solving Courts Court Background and Intake. Douglas County Adult Drug Court: Capacity was 350 and should be 150; % Capacity was 48 percent and should be 111 percent. Total for Adult Drug Courts: Capacity was 730 and should be 530; % Capacity was 60 and should be 83.

The adult drug courts had 21 new admissions and 8 departures. Of the departures, 50 percent were graduations and 50 percent were terminated.

ADULT DRUG COURT / SSAS SURVEY

Dunkle presented a draft report of the Adult Drug Court and SSAS survey. The report summarized the responses collected from drug court and SSAS coordinators and administrators and compared the two programs in a number of areas. Responses from both drug court and SSAS coordinators agreed that additional resources are needed to fully meet the needs of their target populations and that the Council could play a role in engaging the legislature and advocating for expansion of programs.

Dunkle then highlighted the admissions process and noted that drug courts screen and evaluate potential participants prior to the defendant entering a guilty plea, while SSAS is a sentencing option for the judge to impose and available only after a conviction. The report also compared the eligibility criteria utilized by the programs and noted that drug court participants are primarily drug dependent, non-violent felony offenders without significant criminal history. SSAS clients are convicted FDOs which risk assessments indicate have a high risk of recidivism and possess anti-social tendencies.

Dunkle noted a final report will be forthcoming based upon the feedback received from the Council.

Bob Lindemeier exited the meeting at 1:30 p.m.

JUSTICE BEHAVIORAL HEALTH COMMITTEE (JBHC) UPDATE

Rowoldt gave an update on the Justice Behavioral Health Committee (JBHC). A brief description of the three JBHC sub-committees and the Remote Recovery Project was given.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

There being no further business, at 2:10 p.m. the meeting was adjourned.

The next scheduled meeting is Friday, February 12, 2010, at Bryan LGH College of Health Sciences, Room 203. The meeting will begin at 9:00 a.m. and last until 3:30 p.m.

Respectfully submitted,

Tia M. Bachman
Administrative Assistant